

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RICHARD LOWERY,

Plaintiff,

v.

LILLIAN MILLS, in her official capacity
as Dean of the McCombs School of
Business at the University of Texas at
Austin; ETHAN BURRIS, in his official
capacity as Senior Associate Dean for
Academic Affairs of the McCombs School
of Business at the University of Texas-
Austin; and SHERIDAN TITMAN, in his
official capacity as Finance Department
Chair for the McCombs School of
Business at the University of Texas-
Austin,

Defendants.

Case No. 1:23-cv-129- DAE-DH

SUPPLEMENTAL DECLARATION OF ENDEL KOLDE
IN SUPPORT OF MOTION FOR EXPEDITED DISCOVERY

I, Endel Kolde, declare the following:

1. I am an adult and competent to make this declaration. I am lead counsel for Richard Lowery in this case.
2. On March 14, 2023, I asked opposing counsel to confer about early discovery and also set a Rule 26(f) discovery planning conference.

3. After some delays, opposing counsel agreed to confer on March 22, 2023. I set a Zoom meeting for all counsel with the title “UT case: discovery planning conference.” A true and correct copy of the Zoom invite (reflecting Pacific Time) is attached as Exhibit T.

4. In anticipation of that conference, I emailed opposing counsel targeted discovery requests for discussion. They were consistent with our motion for expedited discovery, although they did request some additional information about whether any Defendants were alleging an advice of counsel defense. A true and correct copy of those requests is attached as Exhibit U.

5. Joel Glover responded via email that the requests were pre-mature and that the meeting was not a Rule 26(f) conference.

6. Three defense counsel (Charles Babcock, Joel Glover, and Matt Dow) joined the Zoom meeting on March 22, 2023. During that meeting, Mr. Glover informed me again that it was not a Rule 26(f) conference, confirmed that our motion for expedited discovery would be opposed, and reiterated that they were not going to otherwise discuss the discovery requests.

7. To-date, the Rule 26(f) conference has not been scheduled.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this date, March 30, 2023.



Endel Kolde